

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 27, 2016

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent – Palmer. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Payton Grover, Page.

### 3RD ORDER

#### Approval of Journal

January 27, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

### 4TH ORDER

#### Consideration of Messages from the Governor and the Senate

January 26, 2016

Mr. Speaker:

I transmit herewith [S 1199](#) and [S 1200](#) which have passed the Senate.

NOVAK, Secretary

[S 1199](#) and [S 1200](#) were filed for first reading.

### 5TH ORDER

#### Report of Standing Committees

January 27, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 375](#), [H 376](#), [H 377](#), [H 378](#), and [H 379](#).

WILLS, Chairman

[H 375](#) was referred to the Health and Welfare Committee.

[H 376](#) was referred to the Revenue and Taxation Committee.

[H 377](#) was referred to the Commerce and Human Resources Committee.

[H 378](#) was referred to the Resources and Conservation Committee.

[H 379](#) was referred to the Education Committee.

January 26, 2016

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 347](#), [H 352](#), [H 353](#), and [H 358](#) and recommend that they do pass.

COLLINS, Chairman

[H 347](#), [H 352](#), [H 353](#), and [H 358](#) were filed for second reading.

January 26, 2016

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 332](#), [H 333](#), [H 334](#), and [H 341](#) and recommend that they do pass.

WOOD, Chairman

[H 332](#), [H 333](#), [H 334](#), and [H 341](#) were filed for second reading.

January 27, 2016

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, return misdirected [H 366](#) to the Desk.

BARBIERI, Chairman

[H 366](#) was filed for second reading.

January 27, 2016

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 348](#) and [H 361](#) and recommend that they do pass.

COLLINS, Chairman

[H 348](#) and [H 361](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### 7TH ORDER

#### Motions, Memorials, and Resolutions

#### HOUSE CONCURRENT RESOLUTION NO. 28 BY TRANSPORTATION AND DEFENSE COMMITTEE A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND RECOGNIZING THE COMMITMENT, SACRIFICE AND COURAGE OUR MILITARY FAMILIES CONSISTENTLY DEMONSTRATE THROUGH APPROPRIATE PUBLIC EVENTS, CEREMONIES, PATRIOTIC ACTIVITIES IN OUR COMMUNITIES AND PRIVATE PRAYERS, AND RECOGNIZING 2016 THROUGHOUT THE STATE OF IDAHO AS THE YEAR OF IDAHO MILITARY FAMILIES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho enthusiastically and unwaveringly is proud of and supports the state's active, National Guard, and reserve military members and their families; and

WHEREAS, Idaho appreciates, understands and recognizes the courage, dedication and bravery of the state's active, National Guard, and reserve military members and their families; and

WHEREAS, Idaho greatly appreciates the resolute spirit and resolve that military families consistently demonstrate in the face of extended separations, frequent moves and financial hardships.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize the commitment, sacrifice and courage our military families consistently demonstrate through appropriate public events, ceremonies, patriotic activities in our communities and private prayers.

BE IT FURTHER RESOLVED that 2016 be recognized throughout the State of Idaho as the Year of Idaho Military Families.

#### **HOUSE CONCURRENT RESOLUTION NO. 29**

##### **BY STATE AFFAIRS COMMITTEE**

##### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND COMMEMORATING AND RECOGNIZING THE 130TH ANNIVERSARY OF THE STATUE OF LIBERTY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the 130th anniversary of the unveiling of the Statue of Liberty will take place on October 28, 2016; and

WHEREAS, it is an excellent opportunity for all Americans to remember her history and meaning to the United States of America and to the world; and

WHEREAS, in 1865, upon the conclusion of the Civil War ending slavery in the United States, Edouard de Laboulaye, a French historian and admirer of American democracy, was inspired to propose a generous gift from France to the United States in the form of a statue representing liberty; and

WHEREAS, the sculptor Frederic Auguste Bartholdi was commissioned for the project. Bartholdi and Laboulaye agreed that their monument should not be seen as instigating an uprising but rather as lighting the way with her torch to democracy, peacefully and lawfully. They named the statue "Liberty Enlightening the World"; and

WHEREAS, in 1877, President Ulysses S. Grant signed a bill designating Bedloe's Island in New York Harbor as the intended site for the statue; and

WHEREAS, on October 28, 1886, ten years after the centennial celebration of the United States, the statue was at last unveiled at a dedication ceremony on Bedloe's Island, and one million New Yorkers braved wet and foggy weather that day to throw the first ever ticker-tape parade in New York City, where President Grover Cleveland welcomed her, saying, "We will not forget that Liberty has here made her home; nor shall her chosen altar be neglected"; and

WHEREAS, the Statue of Liberty still stands proudly today, having been designated a National Monument by President Calvin Coolidge in 1924, and placed under the jurisdiction of the National Park Service by President Franklin D. Roosevelt in 1933; and

WHEREAS, over the course of her 130-year history, the Statue of Liberty has welcomed more than twelve million immigrants to American shores and is visited by millions of admirers from all corners of the earth each year; and

WHEREAS, the millions of people who passed through New York Harbor under the watchful eyes of the Statue of Liberty were important to America for their contribution in making the United States of America the world leader it is today; and

WHEREAS, the American poet Emma Lazarus wrote about the Statue of Liberty and America's dream in her inspirational sonnet "The New Colossus," which was inscribed on a bronze

plaque and hung inside the pedestal of the Statue of Liberty: "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!"; and

WHEREAS, the Statue of Liberty is a symbol to the world of the dreams and aspirations which have drawn so many millions of immigrants to America; and

WHEREAS, to all Americans the Statue of Liberty stands eternal as the symbol of the freedom which has been made a living reality in the United States for men and women of all races, creeds and national origins who have united in allegiance to the Constitution of the United States and to the imperishable ideals of our free society.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we do honor and commemorate the history of the Statue of Liberty and urge all Idahoans to recognize and celebrate the symbol of freedom and democracy which she represents to all of the world.

**HCR 28** and **HCR 29** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

#### **8TH ORDER**

##### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 380**

##### **BY REVENUE AND TAXATION COMMITTEE**

##### **AN ACT**

RELATING TO INCOME TAX; AMENDING SECTION 63-3024, IDAHO CODE, TO REDUCE CERTAIN INCOME TAX RATES FOR INDIVIDUALS, TRUSTS AND ESTATES; AMENDING SECTION 63-3024A, IDAHO CODE, TO INCREASE CERTAIN GROCERY TAX CREDITS AND TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 63-3025, IDAHO CODE, TO REDUCE THE CORPORATE INCOME TAX RATE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

#### **HOUSE BILL NO. 381**

##### **BY AGRICULTURAL AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO VETERINARIANS; AMENDING SECTION 54-2103, IDAHO CODE, TO REVISE DEFINITIONS, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-2105, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT A CODE REFERENCE.

#### **HOUSE BILL NO. 382**

##### **BY AGRICULTURAL AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO VETERINARIANS; AMENDING SECTION 54-2118, IDAHO CODE, TO REVISE PROVISIONS REGARDING ALTERNATIVES TO FORMAL DISCIPLINE, TO REVISE PROVISIONS REGARDING WHO MAY NOT BE OFFERED AN ALTERNATIVE TO FORMAL DISCIPLINE AND TO PROVIDE THAT A PERSON WHO RECEIVES AN ALTERNATIVE TO FORMAL DISCIPLINE MAY BE

SUBJECT TO CERTAIN CONDITIONS; AND AMENDING SECTION 74-106, IDAHO CODE, TO REMOVE REFERENCE TO CONTINUING EDUCATION AND RECORDKEEPING AND TO PROVIDE FOR ALTERNATIVES TO DISCIPLINE.

**HOUSE BILL NO. 383**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE AQUACULTURE COMMISSION; REPEALING CHAPTER 44, TITLE 22, IDAHO CODE, RELATING TO THE AQUACULTURE COMMISSION; AMENDING SECTION 67-450D, IDAHO CODE, TO REMOVE REFERENCE TO THE AQUACULTURE COMMISSION; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS.

**HOUSE BILL NO. 384**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 385**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
AN ACT

RELATING TO VETERANS PLATES; AMENDING SECTION 49-418, IDAHO CODE, TO PROVIDE CONDITIONS WHEN THE SURVIVING SPOUSE OF A QUALIFIED VETERAN MAY OBTAIN VETERANS PLATES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 386**  
**BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO THE PRODUCTION EXEMPTION; AMENDING SECTION 63-3622D, IDAHO CODE, TO REVISE A TERM; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 387**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2104A, IDAHO CODE, TO PROVIDE FOR COMMUNITY COLLEGE TRUSTEE ZONES AND RELATED PROVISIONS; AMENDING SECTION 33-2105, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ADDITION OF TERRITORY TO COMMUNITY COLLEGE DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2106, IDAHO CODE, TO REVISE PROVISIONS REGARDING TRUSTEES OF COMMUNITY COLLEGE DISTRICTS; AND AMENDING SECTION 33-314, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN APPEAL FROM AN ORDER OF THE STATE BOARD OF EDUCATION AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 388**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 74-106, IDAHO CODE, TO EXEMPT FROM DISCLOSURE CERTAIN INFORMATION CONTAINED IN DOCUMENTS FILED WITH THE SECRETARY OF STATE AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 389**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO LIENS IN CROPS; AMENDING SECTION 45-308, IDAHO CODE, TO PROVIDE WHAT THE NOTICE OF CLAIM OF LIEN MUST INCLUDE; AMENDING SECTION 45-318, IDAHO CODE, TO PROVIDE THAT A NOTICE OF CLAIM OF LIEN WILL BE DEEMED BY THE SECRETARY OF STATE TO MEET THE REQUIREMENTS OF A FARM PRODUCTS FINANCING STATEMENT; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 390**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO ANNUAL REPORTS OF BENEFIT CORPORATIONS; AMENDING SECTION 30-2013, IDAHO CODE, TO REMOVE THE REQUIREMENT OF FILING A BENEFIT CORPORATION'S BENEFIT REPORT WITH THE SECRETARY OF STATE.

**HOUSE JOINT RESOLUTION NO. 1**  
**BY EDUCATION COMMITTEE**  
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 5, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE PROHIBITION OF SECTARIAN APPROPRIATIONS TO PROVIDE THAT NOTHING IN SECTION 5, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, SHALL BE CONSTRUED TO PROHIBIT THE LEGISLATURE OR ANY COUNTY, CITY, TOWN, TOWNSHIP, SCHOOL DISTRICT OR OTHER PUBLIC CORPORATION FROM MAKING APPROPRIATIONS, PAYMENTS, GRANTS OR DONATIONS OF PUBLIC FUNDS OR MONEYS FOR THE PURPOSE OF PROVIDING GRANTS, SCHOLARSHIPS, LOANS OR OTHER ASSISTANCE TO STUDENTS OR PARENTS OF STUDENTS FOR EDUCATIONAL PURPOSES; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

[H 380](#), [H 381](#), [H 382](#), [H 383](#), [H 384](#), [H 385](#), [H 386](#), [H 387](#), [H 388](#), [H 389](#), [H 390](#), and [HJR 1](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1199](#) and [S 1200](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

**10TH ORDER**  
**Second Reading of Bills and Joint Resolutions**

[H 344](#), [H 345](#), and [H 354](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 350](#) and [H 351](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

**11TH ORDER**  
**Third Reading of Bills and Joint Resolutions**

**H 363 - APPROPRIATIONS**

**H 363** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Monks to open debate.

The question being, "Shall **H 363** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche(Van Tassel), Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Palmer. Total – 1.

Total – 70.

Whereupon the Speaker declared that **H 363** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 364 - APPROPRIATIONS - LABOR DEPARTMENT**

**H 364** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Horman to open debate.

The question being, "Shall **H 364** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Bell, Beyeler, Burtenshaw, Chaney, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Erpelding, Gannon, Gibbs, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Miller, Monks, Moyle, Nye, Packer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche(Van Tassel), Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Mr. Speaker. Total – 55.

NAYS – Barbieri, Batt, Boyle, Cheatham, Dixon, Gestrin, Harris, McMillan, Mendive, Nate, Nielsen, Scott, Shepherd. Total – 13.

Absent – Palmer, Youngblood. Total – 2.

Total – 70.

Whereupon the Speaker declared that **H 364** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 365 - APPROPRIATIONS - BUILDING SAFETY DIV**

**H 365** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Horman to open debate.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding **H 365**.

The question being, "Shall **H 365** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche(Van Tassel), Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – McCrostie, Palmer, Youngblood. Total – 3.

Total – 70.

Whereupon the Speaker declared that **H 365** passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER**  
**Announcements**

Announcements were made to the body.

**16TH ORDER**  
**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 28, 2016. Seconded by Mr. Erpelding. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:31 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk